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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,332	12/29/2000	Joshua Coates	SCAL.P0007	8411
7590	04/05/2005		EXAMINER	
Christopher K Gagne BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 12400 Wilshire Boulevard 7th Floor Los Angeles, CA 90025			HWANG, JOON H	
			ART UNIT	PAPER NUMBER
			2162	
			DATE MAILED: 04/05/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/753,332	COATES, JOSHUA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Joon H. Hwang	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 December 2004.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. The applicants amended claims 1, 11, and 21 in the amendment received on 12/13/04.

The pending claims are 1-30.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 11, and 21 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4-12, 14-17, 19-22, 24-27, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergsten (U.S. Patent No. 6,360,306) in view of Kern et al. (U.S. Patent No. 5,870,537), and further in view of Wilson (U.S. Patent No. 6,718,347).

With respect to claim 1, Bergsten discloses providing a plurality of distributed storage controllers, which teach object storage managers "DOSMs", for receiving requests for files (fig. 1 and line 41 in col. 7 thru line 3 in col. 8). Bergsten discloses

providing at least three storage arrays (intelligent storage nodes) accessible to the storage controllers (DOSMs) over a communication network coupling the storage controllers (DOSMs) to the storage arrays (storage nodes), the storage arrays (storage nodes) accessible to the storage controllers (DOSMs) via communication network address associated with the storage arrays (the storage node, fig. 1, lines 15-67 in col. 3, lines 16-25 in col. 4, lines 36-55 in col. 4, lines 15-38 in col. 6, and lines 15-28 in col. 9). Bergsten discloses storing at least one file in a first storage array (a first intelligent storage node) accessed via a controller (a DOSM) over the communication network (fig. 1 and lines 28-64 in col. 5). Bergsten discloses storing a duplicate of the file in a second storage array (a second intelligent storage node) accessed via the communication network (fig. 1 and lines 28-64 in col. 5). Bergsten discloses in the event of a failure of the first storage array (the first intelligent storage node) resulting in a failover condition (i.e., error condition, line 45 in col. 8 thru line 15 in col. 9) rendering the first storage array (the first intelligent storage node) unavailable, redirecting a file request from the first storage array (the first intelligent storage node) to the second storage array (the second intelligent storage node) and indicating a location determined at the storage controller (the DOSM) for the file in the second storage array (the second intelligent storage node, line 65 in col. 5 thru line 2 in col. 6 and line 16 in col. 9 thru line 22 in col. 11). Bergsten does not explicitly disclose accessing, via the network, the file stored in the second storage array in response to a subsequent file request. However, Kern discloses accessing, via the network, the file stored in the second storage (the second intelligent storage node) in response to a subsequent file request or the file

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request (abstract, fig. 5, lines 50-67 in col. 4, and lines 1-25 in col. 5, lines 40-63 in col. 5) through a switching operation. Therefore, based on Bergsten in view of Kern, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Kern to the system of Bergsten in order to complete file requests regardless of a system failure. Bergsten further discloses locating storage arrays and storage controllers geographically remote by using a network, such as ESCON, in order to prevent natural disaster (lines 25-40 in col. 1 and lines 36-67 in col. 3). Bergsten and Kern do not explicitly disclose a wide area, public access network between a storage array and a storage controller. However, Wilson discloses the ESCON network can be replaced with the Internet network, which is a wide area, public access network (fig. 12, lines 27-43 in col. 10, and line 35 in col. 28 thru line 7 in col. 29) in order to result in a less expensive implementation of a network system. Therefore, based on Bergsten in view of Kern, and further in view of Wilson, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Wilson to the system of Bergsten in order to result in a less expensive implementation of a network system.

With respect to claim 2, Bergsten discloses the step of storing at least one file in a first storage array (a first intelligent storage node) accessed via a network comprises the step of accessing the first storage array (the first intelligent storage node) via a first storage device address (a first network address, lines 15-36 in col. 3 and line 16 in col. 9 thru line 22 in col. 11). Bergsten discloses the step of storing a duplicate of the file in a second storage array (a second intelligent storage node) accessed via the network

comprises the step of accessing the second storage array (the second intelligent storage node) via a second storage device address (a second network address, lines 15-36 in col. 3 and line 16 in col. 9 thru line 22 in col. 11). Bergsten discloses the step of determining a location for the file in the second storage array (the second intelligent storage node) comprises the step of generating a mapping between the first device address and the second device address (lines 15-36 in col. 3 and line 16 in col. 9 thru line 22 in col. 11).

With respect to claim 4, Bergsten teaches storing the file in the first storage array (the first intelligent storage node) located in a first storage center (i.e., a first host computer system with its local storage controller and its storage array, fig. 1). Bergsten teaches storing the file in the second storage array (the second intelligent storage node) located in a second storage center (i.e., a second host computer system with its local storage controller and its storage array in fig. 1), geographically distant from the first storage center (lines 54-63 in col. 3 and lines 16-24 in col. 4).

With respect to claim 5, Bergsten teaches storing a plurality of files in a plurality of storage arrays (intelligent storage nodes) in the first storage center and storing duplicates of the files in a plurality of storage arrays (intelligent storage nodes) in the second storage center and the storage arrays (the intelligent storage nodes) in the first storage center and the storage arrays (the intelligent storage nodes) in the second storage center (fig. 1 and lines 16-24 in col. 4).

The limitations of claim 6 are rejected in the analysis of claim 4 above, and the claim is rejected on that basis.

With respect to claim 7, Bergsten further discloses storage centers (fig. 1) geographically distant (lines 16-24 in col. 4). Bergsten also teaches searching for the file in the second storage after entering the failover condition (line 28 in col. 8 thru line 15 in col. 9 and line 23 in col. 11 thru line 4 in col. 12). Therefore, the limitations of claim 7 are rejected in the analysis of claim 5 above, and the claim is rejected on that basis.

With respect to claims 8-10, Bergsten and Kern do not explicitly disclose a point-to-point protocol and a multi-cast protocol. However, Wilson discloses a point-to-point protocol and a multi-cast protocol (lines 19-55 in col. 33) for a communication network. Therefore, based on Bergsten in view of Kern, and further in view of Wilson, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Wilson to the system of Bergsten in order to cause a data operation among storage controllers and storages.

The limitations of claim 11 are rejected in the analysis of claim 1 above, and the claim is rejected on that basis.

The limitations of claim 12 are rejected in the analysis of claim 2 above, and the claim is rejected on that basis.

The limitations of claim 14 are rejected in the analysis of claim 4 above, and the claim is rejected on that basis.

The limitations of claim 15 are rejected in the analysis of claim 5 above, and the claim is rejected on that basis.

The limitations of claim 16 are rejected in the analysis of claim 6 above, and the claim is rejected on that basis.

The limitations of claim 17 are rejected in the analysis of claim 7 above, and the claim is rejected on that basis.

The limitations of claims 19-20 are rejected in the analysis of claims 8-10 above, and these claims are rejected on that basis.

With respect to claim 21, Bergsten teaches a virtual file system (lines 15-25 in col. 6). Bergsten teaches a first storage controller (a first directory), remote from a requesting client and from an associated storage array (an associated intelligent storage node), accessed via a network, for storing file system information associated with the storage array (the intelligent storage node) having multiple storage devices (fig. 1, fig. 5, line 41 in col. 7 thru line 3 in col. 8, lines 54-63 in col. 3, and lines 16-25 in col. 4). Bergsten teaches a second storage controller (a second directory), accessed via the network, for storing a duplicate of the file system information (fig. 1, lines 15-36 in col. 3, and line 16 in col. 9 thru line 22 in col. 11). Bergsten teaches at least one host processor concerning a distributed directory manager for accessing, via the network, the file system information stored in the first storage controller in response to a file system request (fig. 1, fig. 5, and line 50 in col. 7 thru line 3 in col. 8). Bergsten does not explicitly disclose accessing, via the network, the file system information stored in the second storage controller in response to the redirected file request. However, Kern discloses a switching operation that switches the direction of the request from the first storage to the second storage when a failure occurs on the first storage and from a first

storage controller to a second storage controller when a failure occurs (i.e., an error indication, line 57 in col. 13 thru line 5 in col. 14) on the first storage controller (abstract, fig. 5, lines 50-67 in col. 4, and lines 1-25 in col. 5). Kern discloses directing subsequent file requests to the second storage (lines 40-63 in col. 5) via the second storage controller, which teaches determining a location for the file system information in the second storage. Therefore, based on Bergsten in view of Kern, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Kern to the system of Bergsten in order to complete file requests regardless of a system failure. Bergsten further discloses locating storage arrays and storage controllers geographically remote by using a network, such as ESCON, in order to prevent natural disaster (lines 25-40 in col. 1 and lines 36-67 in col. 3). Bergsten and Kern do not explicitly disclose a wide area, public access network between a storage array and a storage controller. However, Wilson discloses the ESCON network can be replaced with the Internet network, which is a wide area, public access network (fig. 12, lines 27-43 in col. 10, and line 35 in col. 28 thru line 7 in col. 29) in order to result in a less expensive implementation of a network system. Therefore, based on Bergsten in view of Kern, and further in view of Wilson, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Wilson to the system of Bergsten in order to result in a less expensive implementation of a network system.

With respect to claim 22, Kern discloses a device address (a network address) for a storage device (abstract, lines 65-67 in col. 4, and lines 1-25 in col. 5) in order to

locate the storage device and a channel (address) of a storage controller to a processor (fig. 1, lines 40-56 in col. 13, and lines 10-30 in col. 8). The limitations of claim 22 are rejected in the analysis of claim 21 above, and the claim is rejected on that basis.

With respect to claim 24, Bergsten teaches a first storage center (i.e., a first host computer system with its local storage controller and its storage array) comprising the first storage controller (the first directory, fig. 1). Bergsten teaches a second storage center (i.e., a second host computer system with its local storage controller and its storage array in fig. 1), geographically distant from the first storage center comprising the second storage controller (fig. 22, fig. 27, fig. 28, lines 54-63 in col. 3, and lines 16-24 in col. 4).

With respect to claim 25, Bergsten teaches the first storage center comprises file system information stored in a plurality of storage controllers (directories, fig. 1, fig. 27, and fig. 28). Bergsten teaches the second storage center comprises a duplicate of the file system information stored in a plurality of storage controllers (directories), so as to provide a one to one mapping between the storage controllers in the first storage center and the storage controllers in the second storage center (fig. 1, fig. 27, fig. 28, lines 28-64 in col. 5, and lines 26-38 in col. 6).

With respect to claim 26, Bergsten teaches the first and second storage controllers (directories) in a single storage center (fig. 22 and figs. 27-29).

With respect to claim 27, Bergsten teaches a first storage center (a first host system) comprising the first storage controller (the first directory) and a second storage center (a second host system), which is geographically remote from the first storage

center (the first host system), comprising the second storage controller (fig. 1, fig. 22, fig. 27, fig. 28, lines 54-63 in col. 3, lines 16-24 in col. 4, lines 28-64 in col. 5, and lines 26-38 in col. 6). The limitations of claim 27 are rejected in the analysis of claim 21 above, and the claim is rejected on that basis.

The limitations of claims 29-30 are rejected in the analysis of claims 8-10 above, and these claims are rejected on that basis.

5. Claims 3, 13, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergsten (U.S. Patent No. 6,360,306) in view of Kern et al. (U.S. Patent No. 5,870,537) and Wilson (U.S. Patent No. 6,718,347), and further in view of Mogul (RFC0917 : Internet subnets, 1984, ACM, pages 1-17).

With respect to claim 3, Wilson further discloses Internet protocol ("IP") network addresses (lines 39-48 in col. 32). Bergsten, Kern, and Wilson do not explicitly disclose a subnet portion of the IP network addresses. However, Mogul discloses IP address (pages 17-18) and a subnet as a subnet of a single Internet network (pages 3-7), which teaches the subnet is a local in the single Internet network. Thus, only subset portion of IP addresses for devices are different in the single Internet network. Therefore, based on Bergsten in view of Kern and Wilson, and further in view of Mogul, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Mogul to the system of Bergsten in order to manage local devices in a network system for an administrative convenience.

The limitations of claims 13 and 23 are rejected in the analysis above of claim 3, and the claim is rejected on that basis.

6. Claims 18 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergsten (U.S. Patent No. 6,360,306) in view of Kern et al. (U.S. Patent No. 5,870,537) and Wilson (U.S. Patent No. 6,718,347), and further in view of Miller (U.S. Patent No. 5,506,984).

With respect to claim 18, Bergsten, Kern, and Wilson do not explicitly disclose searching for the file in a first storage center if the file is not located in a second storage center. However, Miller discloses searching another database for data if the data is not located in a searched database and continuing searching the other databases for the data until the data is located (abstract, fig. 5, and lines 10-51 in col. 14). Therefore, based on Bergsten in view of Kern and Wilson, and further in view of Miller, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Miller to the system of Bergsten in order to locate a file by continually searching the file in other storage center or storages.

With respect to claim 28, Bergsten, Kern, and Wilson do not explicitly disclose searching for the file system information in a first storage center if the file system information is not located in a second storage center. However, Miller discloses searching another database for data if the data is not located in a searched database and continuing searching the other databases for the data until the data is located (abstract, fig. 5, and lines 10-51 in col. 14). Therefore, based on Bergsten in view of

Kern and Wilson, and further in view of Miller, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Miller to the system of Bergsten in order to locate file system information by continually searching the file in other storage center or storages.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joon H. Hwang whose telephone number is 571-272-4036. The examiner can normally be reached on 9:30-6:00(M~F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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3/31/05



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